

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

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HAROLD G. ROBY,

Plaintiff,

vs.

CIVIL ACTION NO.: 1:22CV79-GHD-DAS

LACOSTA, INC.,

Defendant.

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**DEFENDANT'S MOTION TO DISMISS**

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Defendant, LaCosta, Inc. (“Defendant” or “LaCosta”), by its attorneys, Butler Snow LLP and von Briesen & Roper s.c., makes this motion to dismiss this action with prejudice under F.R.C.P. 12(b)(6) because the claim is barred by the statute of limitations. The Defendant states as follows in support of this Motion:

- (1) 42 U.S.C. § 2000e-5(f)(1) imposed a 90-day statute of limitations on claims brought under Title VII, which began on the day that Mr. Roby received his right to sue letter from the EEOC. Mr. Roby failed to file this action within that 90-day window, but rather over 133 days later.
- (2) The Court should dismiss the action under F.R.C.P. 12(b)(6) as untimely.
- (3) The grounds for this Motion are fully set forth in the accompanying Memorandum of Law.

In support of this Motion, Defendant submits the following evidence:

Affidavit of Doris E. Brosnan, attaching EEOC Charge and Right to Sue Letter from EEOC.

**WHEREFORE, PREMISES CONSIDERED,** Defendant prays that the Court dismiss this action with prejudice under F.R.C.P. 12(b)(6).

Respectfully submitted on the 24th day of August, 2022.

LACOSTA, INC.,  
*Defendant*

By:/s/ W. Mackin Johnson  
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and

Doris E. Brosnan (*Pro Hac Vice pending*)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I caused the foregoing to be electronically filed with the Clerk of the Court using the ECF system, which sent notification of such filing to all registered attorneys, and by Certified U.S. Mail to:

Harold G. Roby  
611 Scales Street  
Corinth, MS 38834

PRO SE PLAINTIFF

SO CERTIFIED, this the 24th day of August, 2022.

/s/ W. Mackin Johnson  
W. MACKIN JOHNSON